IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

Bail Appl..No. 3391 of 2007()

CRIME NO. 37 OF 2007 OF VIYYOOR POLICE STATION

PETITIONER/ACCUSED

J.YOHANNAN, AGED 45, S/O JOHNSON NADAR,
HEAD WARDER, CENTRAL PRISON, VIYYOOR.

BY ADV. SRI.C.P.UDAYABHANU

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
S.I. OF POLICE, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Registry shall ascertain from the Chief Judicial Magistrate, Thrissur as to whether the Magistrate having jurisdiction over the Central Prison, Viyyur, has conducted any enquiry under Sec. 176 (1)(A) Cr.P.C. with regard to the death at 9.45 a.m. on 22-1-2007 of Shaji, the undertrial prisoner in Central Prison, Viyyoor and who was an accused in Crime No. 235 of 1998 of Thevara Police Station, Ernakulam and, if so, the result of the enquiry. If no enquiry has been conducted, the reason for not conducting the enquiry shall also be forwarded to this Court within ten days from today.

V. RAMKUMAR, JUDGE.

V. RAMKUMAR, J.

Bail Application No. 3391 of 2007

DATED: 08-05-2007

O R D E R

Petitioner who is the sole accused in Crime No.37.2007 of Viyyoor Police Station for an offence punishable under Section 304 I.P.C. seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for the purpose of interrogation and then to have his application for bail considered by the Magistrate having jurisdiction. Accordingly, the petitioner shall surrender before the investigating officer on any day between **18.6.07 and 20-6-07** for the purpose of interrogation and recovery of incriminating material, if any. The petitioner shall thereafter be produced on the same day before the Magistrate who shall consider and dispose of his application for regular bail preferably on the same date on which it is filed.

This petition is disposed of as above.

V.RAMKUMAR, JUDGE

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